

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|--------------------------|---|------------------|
| JOHNNY REYNOLDS, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | CV-85-T-665-N |
| ALABAMA DEPARTMENT OF |) | |
| TRANSPORTATION, et al., |) | |
| |) | |
| Defendants. |) | |

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OBJECT

TO: Non-Black Employees of the Alabama Department of Transportation Who May Have Claims for Individual Contempt Relief Arising from Article 15 Reclassifications After May 29, 2001.

This case was originally filed in 1985 and involves claims of alleged racial discrimination in employment opportunities with the Alabama Department of Transportation (“ALDOT”) by Plaintiff classes of African-American ALDOT employees. In 1998, the District Court also certified an Intervenor class, which is composed of all non-black employees of ALDOT. This notice is directed to the 213 non-black employees who were members of the Intervenor class who were identified by Defendants as due to be reclassified based on April 1994 duties; were employed by ALDOT after the May 29, 2001 Fairness Hearing; are currently employed by ALDOT or were employed by ALDOT before 2007; have been

identified as having potentially valid claims for individual contempt relief for potential lost pay occurring after May 29, 2001, arising from Defendants' alleged failure to timely implement the reclassifications required by Article 15 of the 1994 Consent Decree; and were not in a higher classification than their proposed reclassification position as of May 29, 2001 (hereinafter, referred to as the "Intervenor Contempt Relief Class"). The purpose of this notice is to provide notice of a proposed settlement to members of the Intervenor Contempt Relief Class and of the termination of their participation in this case.

You should carefully read this notice to learn what provisions of the proposed settlement may affect you and what rights you may have to oppose the settlement. You should not rely on this notice for a full disclosure of all of the terms of the proposed settlement. The complete settlement agreement is available for review at www.rfitzpatricklaw.com/blog/aldot-intervenor-settlement-agreement/. The terms of the proposed settlement will not be implemented unless the settlement is approved by the Court after a Fairness Hearing, which will be held on May 12, 2017.

In 1994, the District Court approved Consent Decree I, an injunction that required numerous reforms to the employment practices of ALDOT. The Court conducted extended proceedings regarding implementation of the Decree. In 2000,

the Court found Defendants (including ALDOT and the State Personnel Department) in civil contempt for failure to implement the decree in a timely manner and entered civil contempt fines. The Court also conducted proceedings regarding potential relief for ALDOT employees seeking individual contempt relief due to the delay in implementing the decree.

On April 6, 2001, the Intervenor class and Defendants partially settled “all claims for monetary relief related to Intervenors’ allegation of noncompliance and to dismiss all grievances . . .” Under that agreement, Defendants paid to the Intervenor class approximately \$8,350,000 to settle all claims for monetary relief arising before the May 29, 2001 fairness hearing. The Court approved the settlement, and the parties fully implemented the settlement many years ago.

On December 31, 2006, Consent Decree I expired. Since 2007, the Court has addressed the issue of individual contempt relief for members of both Plaintiff and Intervenor classes. This proposed settlement is intended to resolve all remaining individual contempt claims or issues involving members of the Intervenor Contempt Relief Class.

TERMS OF PROPOSED SETTLEMENT

The proposed settlement is summarized as follows:

a. The sum of \$1,000 per class member will be paid to each of the 213 members of the Intervenor Contempt Relief Class who asserted claims for individual contempt relief for potential lost pay occurring after May 29, 2001, due to Defendants' alleged failure to timely implement the reclassifications required by Article 15 of the 1994 Consent Decree. Those Intervenor Contempt Relief Class members were proposed for reclassification based on their duties in 1994; had not exceeded their reclassification position by May 2001; and were employed by ALDOT after May 2001.

b. All remaining claims for attorney's fees and costs of Intervenor's class counsel are settled for the sum of \$150,000. All fees through the end of 2006 when the decree terminated have previously been paid. No services since the termination of the decree have been compensated.

c. The sums payable to 213 identified class members (\$213,000) and for attorney's fees (\$150,000) will be paid from the contempt fines previously paid by Defendants that are held in the Court's registry. Upon implementation of the settlement, the Intervenor Contempt Relief Class will terminate and the class members will be dismissed from the litigation. Any further court proceedings regarding the Plaintiffs' remaining unresolved claims and the disposition of the remaining fine funds held by the Court will be separately addressed by Plaintiffs

and Defendants.

HOW TO OBJECT

If you are a member of the Intervenor Contempt Relief Settlement Class and want to object to the proposed settlement, you must submit that objection **in writing** to the attorney for the Intervenor Contempt Relief Settlement Class by the deadline date of **April 21, 2017**. The attorney for the Intervenor Contempt Relief Settlement Class will file such objections with the Court. Such written objection must list the reasons why you are objecting. The date and place of the hearing on objections is set forth below.

The name and address of the attorney for the Intervenor Contempt Relief Settlement Class to whom you must submit your objection by the deadline date of **April 21, 2017** is as follows:

Raymond P. Fitzpatrick, Jr.
1200 Corporate Drive, Ste. 105
Birmingham, Alabama 35242

You also may address any questions that you have concerning objections to the proposed settlement to the same address. Please include your mailing address, and email address, and day and evening telephone numbers. UNDER NO CIRCUMSTANCES SHOULD YOU MAKE DIRECT INQUIRIES TO THE

COURT ABOUT THIS SETTLEMENT.

WHEN AND WHERE THE COURT WILL HEAR OBJECTIONS

On May 12, 2017, at 10:00 a.m., United States District Judge Myron H. Thompson of the United States District Court for the Middle District of Alabama, will convene a hearing to determine whether the proposed settlement agreement should be approved and confirmed as fair, reasonable and adequate. The hearing will be held in Courtroom 2FMJ of the Frank M. Johnson, Jr. U.S. Courthouse Complex, which is located at 15 Lee Street, Montgomery, Alabama, 36104. You may appear and object to the proposed settlement or otherwise be heard on matters relating to the proposed settlement only if you submit written objections or comments to Raymond Fitzpatrick as described in this Notice. Put another way, no member of the Intervenor Contempt Relief Settlement Class will be heard at the hearing on May 12, 2017, unless the person desiring to be heard has filed written objections or other papers with class counsel Raymond Fitzpatrick by **April 21, 2017**. Furthermore, if any member of the Intervenor Contempt Relief Settlement Class wishes the court to consider written objections or other papers at the hearing on May 12, 2017, he or she must submit these objections or documents to class counsel by no later than **April 21, 2017**.

If you have an objection to the proposed settlement and do not submit it, you will not be able to object to the settlement in the future.

DONE, this the 15th day of March, 2017.

Myron H. Thompson
UNITED STATES DISTRICT JUDGE